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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,190	02/05/2004	Jason E. Tripard	MI22-2453	7194
21567	7590	08/09/2004	EXAMINER	
WELLS ST. JOHN P.S. 601 W. FIRST AVENUE, SUITE 1300 SPOKANE, WA 99201			ALIE, GHASSEM	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/774,190

Applicant(s)

TRIPARD, JASON E.

Examiner

Ghassem Alie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the filing date of the application.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7 and 8 is/are rejected.
- 7) ☒ Claim(s) 3-6 and 9-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/05/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969). A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b). Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).
2. Claims 1-12 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 14, 15, 17, and 25 of U.S. Patent No. 6,718,858. Although the conflicting claims are not identical, they are not patentably distinct from the patent claims because all of the limitations in claims 1-12 can be found in claims 14, 15, and 17 of the patent.
3. Claims 1-12 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2, 5, and 10 of U.S. Patent No. 6,508,154. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-12 contain all the limitations of the claims 5, 6, and 12 of the patent.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paradia et al. (6,146,504), hereinafter Paradia, in view of Applicant Admitted Prior Art (Fig. 1), hereinafter AAPA, and Lodewegen et al. (5,765,337), hereinafter Lodewegen. Regarding claims 1 and 7, Paradia teaches an integrated package separator including a base 90 and a support 204 over the base 90. The support is defined by the caps 204. Paradia also teaches first and second lift members 160. Each of the pins has a lift 160. Paradia also the lift members 160 are configured to vertically displaced the support 204 and lift the support off the base 90 by contacting the support. See Figs. 4-8 in Paradia. Paradia does not teach that the lifting member are connected to a pair of pneumatic actuators including release valves configured to equilibrate a back-pressure of each of the pneumatic actuators to ambient during lifting of the support. However, the use of pneumatic actuators for lifting a plate or a surface is well known in the art such as taught by Lodewegen. Lodewegen teaches a pneumatic actuator 44 for lifting a stacking member 42 the pneumatic actuator 42 also has a valve which releases the back-pressure to ambient during the lifting. See Fig. 4C and col. 6, lines 23-53 in Lodewegen. It would have been obvious to a person of ordinary skill in the art to provide each lift of Paradia's integrated circuit separator with the pneumatic actuator as taught by Lodewegen in order to lift the support as desired. Paradia does also expressly does not teach a cutting mechanism configured to cut the board while the board is over the upper surface of the support to separate the integrated circuit package from one another. However, AAPA teaches a cutting mechanism 42 configured to cut the board 10 while the board is over the

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upper surface of the support 50 to separate the integrated circuit package from one another. It would have been obvious to a person of ordinary skill in the art to provide Paradia's integrated circuit separator with the cutting mechanism as taught by AAPA in order to separate the integrated package from one another as desired.

Regarding claim 7, Paradia as modified by Lodewegen teaches everything noted above including that the actuators capable of lifting the support member in unison. In addition, Official notice is taken that lifting a plate or a surface by actuators in unison is well known in the art as it is evident in patent Amos et al. ((Re. 34,125).

Regarding claims 2 and 8, Paradia teaches everything noted above including that the base 90 includes a plurality of pins extending upwardly from the base 90. See Fig. 4 in Paradia.

Allowable Subject Matter

6. Claims 3-6 and 9-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: the prior fails to teach that the support includes an upper surface and a plurality of holes extending therethrough and the plurality of pins being configured to extend through ones of the plurality of holes as set forth in claims 3 and 9. The prior art also fails to teach that the planar surface of the first and second lift members being substantially flush with the planar surface of the base as set forth in claims 6 and 12.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Motov et al. (5,480,133) , Amos et al. (Re. 34,125), Buechele (5,970,606) teach pneumatic actuators having release valves.

Wark et al. (6,295,978), Getchel et al. (6,540,014), Roberts (6,701,910) teach an integrated circuit separator.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (703) 305-4981.

The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (703) 305-1082. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9302 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

GA/ga

July 30, 2004


Allan N. Shoap
Supervisory Patent Examiner
Group 3700